

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Joseph Barry Malasky,	)	C/A No.: 0:20-2055-MGL-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
Ram Jack of South Carolina, Inc.	)	ORDER
and Scott Erlewine, individually	)	
and as owner of Ram Jack of South	)	
Carolina, Inc.,	)	
	)	
Defendants.	)	
	)	

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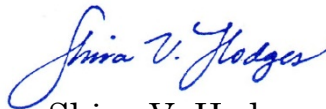
This matter comes before the court on the motion [ECF No. 42] of Ram Jack of South Carolina, Inc., and Scott Erlewine, individually and as owner of Ram Jack of South Carolina, Inc. (“Defendants”), to compel Joseph Barry Malasky (“Plaintiff”) to produce responses to Defendants’ Third Set of Interrogatories and Requests for Production of Documents (“Discovery Requests”), which are attached to Defendants’ motion at ECF No. 42-1.

The motion indicates the Discovery Requests were first served on Plaintiff on September 21, 2021. After informal attempts to obtain responses to the Discovery Requests from Plaintiff, Defendants had not received responses by October 28, 2021, the date Defendants filed their motion to compel.

In light of the foregoing, the court grants Defendants' motion to compel. Plaintiff is directed to provide responses to the Discovery Requests by November 2, 2021. Because Plaintiff failed to timely respond to the discovery, any and all objections are deemed waived under Fed. R. Civ. P. 33(b)(4). Plaintiff is advised that failure to comply with the court's order may result in sanctions, including payment of Defendants' attorneys' fees and costs in preparing such motions.<sup>1</sup>

IT IS SO ORDERED.

October 28, 2021  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge

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<sup>1</sup> The court declines, at this time, Defendants' request for reasonable expenses, including attorney's fees, and the dismissal of Plaintiff's ADA claim as a sanction for Plaintiff's conduct, with leave to renew if Plaintiff fails to comply with the court's order. [*See* ECF No. 42].